

House File 483

H-1472

1 Amend House File 483 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. **NEW SECTION. 537A.5 Indemnity**
5 **agreements — construction contracts.**

6 1. As used in this section, "*construction contract*"
7 means an agreement relating to the construction,
8 alteration, improvement, development, demolition,
9 excavation, rehabilitation, maintenance, or repair
10 of buildings, highways, roads, streets, bridges,
11 tunnels, transportation facilities, airports, water or
12 sewage treatment plants, power plants, or any other
13 improvements to real property in this state, including
14 shafts, wells, and structures, whether on ground, above
15 ground, or underground, and includes agreements for
16 architectural services, design services, engineering
17 services, construction services, construction
18 management services, development services, maintenance
19 services, material purchases, equipment rental, and
20 labor. "*Construction contract*" includes all public,
21 private, foreign, or domestic agreements as described
22 in this subsection other than such public agreements
23 relating to highways, roads, and streets.

24 2. Except as excluded under subsection 3, a
25 provision in a construction contract that requires one
26 party to the construction contract to indemnify, hold
27 harmless, or defend any other party to the construction
28 contract, including the indemnitee's employees,
29 consultants, agents, or others for whom the indemnitee
30 is responsible, against liability, claims, damages,
31 losses, or expenses, including attorney fees, to the
32 extent caused by or resulting from the negligent act
33 or omission of the indemnitee or of the indemnitee's
34 employees, consultants, agents, or others for whom the
35 indemnitee is responsible, is void and unenforceable as
36 contrary to public policy.

37 3. This section does not apply to the
38 indemnification of a surety by a principal on any
39 surety bond, an insurer's obligation to its insureds
40 under any insurance policy or agreement, a borrower's
41 obligations to its lender, or any obligation of strict
42 liability otherwise imposed by law.>

43 2. Title page, line 1, after <to> by inserting <the
44 regulation of>

HORBACH of Tama